

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BOARD MEETING
MINUTES**

DRAFT

Date: March 16, 2023

Start Time: 9:00 a.m.

Location: **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not being provided.

The Board of Registered Nursing held a public meeting via a teleconference platform.

Thursday, March 16, 2023 - 9:00 am BRN Board Meeting

9:00

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:00am. All members present. Quorum was established at 9:02 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Elizabeth (Betty) Woods, RN, FNP, MSN
Jovita Dominguez, BSN, RN
Vicki Granowitz
Roi David Lollar
Patricia “Tricia” Wynne, Esq.

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:02 a.m.

2.0 General instructions for the format of a teleconference call

9:02 a.m.

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

**Public Comment for
Agenda Item 3.0:**

Amy Lam Bonilla, Director of PHN in San Mateo County: Stated she is concerned that there is still a cost to apply to receive the PHN certificate and is financially discouraging for new grads and new nurses getting their PHN certificates. She is wondering if BRN is doing anything about the fake diplomas. Reza spoke up saying the

PHN issue would need to be added to a future agenda but said he is aware of the investigation in the other states and BRN is participating with law enforcement during this active investigation.

Additional public comment for items not on the agenda or items for future agendas made during item 7.0:

Samantha Girard: Stated she wants to raise awareness about community college students. She represents Southwestern College and whose students are non-traditional. The school is located close to the border and the students cannot usually afford to go to university. She spoke about a student who submitted a letter with her nursing program application who is a first-generation college student from a family in poverty and obtaining this degree would take her family out of poverty and be life changing. She said this is one story of many that shows the need for additional access to community colleges for students who cannot afford to attend a private college for \$80,000. She is not trying to knock private programs but show the need for more program approvals and expansions for community colleges instead of being pushed out of clinical placements.

Agenda Re-ordered to Item 7.0

9:06 a.m.

7.0

Discussion and Possible Action: Appointment by Board President of Committee Member(s) and approval by the Board

Board Discussion: Patricia Wynne and David Lollar thanked Dolores Trujillo for taking on another role.

Public Comment for Agenda Item 7.0:

No public comments.

Motion: **Dolores Trujillo:** Motion to appoint herself to the Education Licensing Committee due to the resignation of member Susan Naranjo.

Second: Jovita Dominguez

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Agenda Re-ordered to return to Item 4.0

9:15 a.m.

4.0

Information Only: Presentation by BRN's Chief of Legislative Affairs on the Legislative Process

Marissa Clark, Chief of Legislative Affairs presented on the Legislative Process

Board Discussion: Dolores Trujillo thought it was a great presentation and thanked Marissa Clark.

Reza Pejuhesh said the most common way the board engages in this process is to take positions on bills and asked Marissa Clark to talk about when the board does this.

Marissa Clark explained that the board takes positions and sends letters to appropriate legislative member or committee and this can result in formal testimony or public comment during a bill hearing by her or others. She also reaches out to authors offices to provide amendment language if needed.

Loretta Melby spoke about the searches done to identify bills that are direct impact and indirect impact by Marissa Clark. She said Marissa Clark does deep dives on all the bills for analyses, reaches out to author's offices, does research, and meets with various stakeholders that the bills could affect. She also spoke about spot bills that are watched closely to see if the bill changes into a direct impact bill. She went on to explain why bills are being brought directly to the board at this meeting versus the usual process that goes through the Legislative Committee meeting. She explained that there needs to be a full board vote to release an official board position on any bill.

**Public Comment for
Agenda Item 4.0:**

No public comment.

9:40 a.m.

5.0

Discussion and Possible Action: On bills relevant to the Board from the 2023-2024 Legislative Session [please click on bill number for hyperlink to bill text]

Direct Impact

9:40 a.m.

1. [AB 633 \(Patterson\) Nursing: licensure: renewal fees: reduced fee.](#)

Board Discussion: Dolores Trujillo asked about a line in the legislation – “licensed to practice for 20 years.” How would this be addressed on the application?

Loretta Melby explained that staff looks at what is necessary to implement a bill's provisions, but no action is taken until the bill is signed by the Governor. We would have to create a retired nursing license application to ask all the questions needed to grant it. This change would need to be made in BreEZe and be available in License Lookup. She said there are a lot of licensees interested in this law change. Marissa Clark has been working with DCA legal on a regulatory change for a retired status, but this might not be necessary if this statute change is made with clear language. Conversations could be had with the author's office regarding the 20-year requirement. The author's office is open to amending the language.

Elizabeth Woods asked about board members being paid their stipend and whether that is considered pay.

Loretta Melby said the members are volunteers, but you are required to have an active RN license to serve as a board member so members could not retire their license.

Patricia Wynne asked about nurses doing volunteer work but then might have the opportunity work in a seasonal part time position such as a vaccine clinic and how that might affect them.

Marissa Clark said this has been discussed and that maybe there would be a limit to the number of times someone could come out of retirement.

Jovita Dominguez asked about nurses who have let their license lapse due to retirements or financial constraints but were unable to volunteer for vaccine clinics. Would this bill allow them to apply for retired status?

Loretta Melby explained the inactive to active process that happened during COVID-19. She said they discussed retired RNs being able to render nursing services similar to nursing students who are not licensed yet.

Marissa Clark said we don't use the term volunteer but use the phrase "free of charge." This is the draft language: "Adequate medical and nursing supervision by a licensed RN or nurse is provided by a nurse who has been granted a retired license and this section may provide nursing services to the public free of charge in any public health program created by federal, state, or local law or administered by a federal, state, county, or local governmental entity. These services shall be limited to services, which they were

permitted to perform under their active license and are competent to perform as determined by the supervising licensed RN.”

Mary Fagan asked about the regulations and this bill to see if a motion would be made to Support if Amended to allow the regulations and this bill to be combined.

Motion: Dolores Trujillo: Motion to Support if Amended

Second: Elizabeth Woods

9:59 a.m.

2. [AB 883 \(Mathis\) Business licenses: United States Department of Defense Skill Bridge program.](#)

Board Discussion: Reza Pejuhesh asked how public comment would be handled. Dolores Trujillo explained that all bills would be presented, and public comment would be held once and allow for public commenters to make comments on any bills presented.

Motion: Dolores Trujillo: Motion to Support

Second: David Lollar

3. [AB 996 \(Low\) Department of Consumer Affairs: continuing education: conflict-of-interest policy.](#)

(Was not discussed)

10:02 a.m.

4. [AB 1028 \(McKinnor\) Reporting of crimes: mandated reporters.](#)

Board Discussion: David Lollar asked about “provide brief counseling, education and other support and then there’s a warm handoff to advocacy services.” He asked if nurses are receiving training in counseling education support to do that and are advocacy services immediately available on site?

Loretta Melby said there are resources but not generally available across the board in all locations. She gave examples of her experience as a sexual assault examiner. She said there is no standard that there will be access to these services and that nurses have been trained to provide them. She said nursing is competency based and not all share the same competencies. All students are educated during prelicensure educating about any kind of domestic violence, intimate partner violence, abuse, neglect, etc. as a baseline and can branch out from that to a specialization.

Patricia Wynne is still concerned with this bill as she was with the previous bill last year. She worked in the legislature and was involved in the mandatory reporter bill 40 years ago, she doesn't know what went wrong, but she is open to hearing other points of view regarding this bill.

Marissa Clark said she was not here last year for the previous bill but has spoken with the author's office and anticipates this would be lessons learned from implementing mandatory reporter. Current law forces the survivor and law enforcement together whether the person wants to report or not and would allow autonomy to the survivor to decide when and if to report. She said there are some unintended consequences or fear for certain communities when law enforcement is built into the process. She said the sponsors or the author's office could be invited to speak to the board about the bill to have a more in-depth dialogue about this bill.

Loretta Melby said she and Dolores Trujillo met with the organization last year about new research out around survivors of various types of abuse sharing they didn't seek medical care because of concerns that additional attacks may be brought upon them because they would be reported as soon as they came in by healthcare professionals. So, the push for this was not to create a barrier between the person that needs medical care in fear of repercussions from the mandated reporting process causing additional harm from their abuser again. She agrees there isn't a lot of data out there. The advocate groups do a lot of work with survivors. She said data was collected during the sexual assault for 18 months.

Dolores Trujillo is concerned about the type of resources available and that they differ in the different facilities. She thinks there needs to be more than handing a piece of paper with a list of resources, but this is a start.

Elizabeth Woods is totally opposed to this bill. She too did sexual assault exams several years ago and most domestic violence and sexual assault is not reported at all. If there is no formal way to report this, then the survivor will not do it either.

Loretta Melby clarified there is still mandated reports for people with disabilities, pediatric patients, elderly, and vulnerable populations.

Marissa Clark said health care practitioners would be required to report physical injury caused by domestic violence to provide brief

counseling education or other support. Currently the law says health practitioner has to make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. This bill does not touch the areas that Loretta Melby mentioned.

Dolores Trujillo brought up violence against the transgender population and men and is worried this will fall through the cracks.

Mary Fagan said she is torn about this because her gut reaction is absolutely, we want to be mandated reporters, but it seems like there may be a new body of knowledge coming forth that even though it seems like the right thing to do it may, in some circumstances be having the opposite effect. She would love to hear from more people about this both in favor and opposed and see if other states have eliminated any parts of mandatory reporting and what the impacts have been if we have that information. Loretta Melby said there is information from other states. She said not all states have mandated reporting and it is not consistent from state to state.

David Lollar agreed with Marissa Clark's analysis about the increased risk of violence afterwards to women of color and undocumented or migrant citizens will not come in for treatment because of fear of detention or deportation. He can see how consequences could be severe or life changing and remembers the robust discussion. He is surprised the language has not changed at all, but he is more willing to understand the other side and support it if necessary.

Marissa Clark said this bill is coming to the board earlier in the session and there is time to address these issues.

Reza Pejuhesh said it would be interesting to hear from the public who support this bill or may have poignant information to share that could help guide a motion made.

Dolores Trujillo asked if someone can be invited to speak to the board about this bill at a later meeting and table this bill for now.

Loretta Melby said this bill will be on the legislative committee meeting's agenda next month. She said the board could do a watch position or choose to wait and take a position at a later date.

Dolores Trujillo said a watch position could be taken and further amend after a presentation

Vicki Granowitz made comments asking if there is a differentiation between misdemeanors.

Marissa Clark stated she would need to conduct additional research.

Vicki Granowitz said this could be difficult for nurses to differentiate between the levels.

Patricia Wynne said this is interesting and people could present at a doctor's office.

Vicki Granowitz said it would be nice to have experts present at a meeting.

Loretta Melby asked if the board wants to take a position on this bill.

Motion: David Lollar: Motion to Watch

Second: Patricia Wynne

10:33 a.m.

5. [AB 1651 \(Sanchez\) Pupil health: emergency medical care: epinephrine auto-injectors.](#)

Board Discussion: Dolores Trujillo asked about the requirement for school districts, county offices of education and charter schools to store emergency epinephrine auto injectors in an accessible location for emergency use but down below the reason for the bill says this is already required for school districts.

Marissa Clark said this would expand the list of people school nurses would train to all employees who have volunteered. If a school nurse or pre-trained person is not accessible, then any school employee could step in and administer if available.

Dolores Trujillo said all school personnel should be trained.

David Lollar agreed with her.

Motion: Dolores Trujillo: Motion to Support

Second: Patricia Wynne

10:38 a.m.

6. [AB 1722 \(Dahle\) School nurses: requirements.](#)

Board Discussion: Patricia Wynne expressed worry that school districts that don't value school nurses would take a short cut and bring on someone who is under qualified but say they have a school nurse.

Loretta Melby said a school nurse is required to have a bachelor's degree in nursing, so ADN nurses are not able to act as a school nurse. She said there are concerns because nurses are spread over five or more schools and there is a lack of nurses within schools. There are many types of issues that affect students, and the premise of the bill is to increase access to care and have more people involved. If an LVN is involved, do they need the title of school nurse? She met with the BVNPT EO, and this violates the LVN scope of practice to serve as a school nurse.

David Lollar said he agrees with the association and opposes this happening for every reason stated by Loretta Melby.

Motion: David Lollar: Motion to Oppose

Second: Patricia Wynne

10:46 a.m.

7. [SB 345 \(Skinner\) Fetus-related terminology.](#)

Board Discussion: No comments or questions.

Motion: Dolores Trujillo: Motion to Support

Second: Jovita Dominguez

10:47 a.m.

8. [SB 372 \(Menjivar\) Department of Consumer Affairs: licensee and registrant records: name and gender changes.](#)

Board Discussion: Loretta Melby discussed the enforcement name check as a way to ensure the public is protected.

Reza Pejuhesh said the motion would be Oppose unless Amended. Reza Pejuhesh explained that he has been licensees reach out with concerns about their past name.

Vicki Granowitz asked if an enforcement check would involve a criminal background as well if relatable.

Loretta Melby said all licensees are fingerprinted and the board is notified of any criminal activity if it happens in California. However, if criminal activity happens in another state after initial licensure, then

the board is not notified. She said staff consult NURSYS for license discipline but not all states have the same fingerprint requirements. This is not foolproof.

David Lollar supports this bill but doesn't understand how information about the past name causes an issue with criminal activity.

Reza Pejuhesh attempted to explain the issue with a name change for someone with a discipline history and asked Marissa Clark about denial of the name change request if the person has previous discipline.

Marissa Clark said she doesn't know if we would deny the name change but it could be up for discussion.

Loretta Melby added information about her previous names listed on the license lookup. She said licensees have reached out begging to have their name changed. There are pros and cons to implementing this bill.

Motion: David Lollar: Motion to Support with Amendments

Second: Dolores Trujillo

11:00 a.m.

9. [SB 472 \(Hurtado\) Pupil health: opioid overdose reversal medication.](#)

Board Discussion: Dolores Trujillo said the summary requires each public school operated by a school district, county office of education or charter school to maintain at least two doses of naloxone hydrochloride or another opioid antagonist to report annually to the Dept. of Education and DHCS the reason for not distributing naloxone hydrochloride or another opioid antagonist and trained personnel available at school. She said it seems like a conflict within the bill.

Marissa Clark said schools are authorized to have it and provide it but not required to do so. This creates a carve out where if they choose not to, they must report the reason for not having it on hand and how they came to that determination which is different from current law.

Elizabeth Woods asked if we had a sense as to why schools wouldn't want it.

David Lollar explained schools have used it for the spike in Fentanyl overdoses this school year as well as ease of administration to keep

kids safe and just in his district they had six overdoses and were able to bring the students back.

Elizabeth Woods understands the need for use but wants to know why schools don't want it.

David Lollar also didn't understand why schools wouldn't want it.

Vicki Granowitz gave information about trying to get a clean needle exchange in her community and thought people's value systems and feeling like if they supported processes like these that they were encouraging drug use.

Marissa Clark says there are a few bills around this issue.

Vicki Granowitz doesn't understand this type of change but sees how it might be easier to get approved.

Motion: Patricia Wynne: Motion to Support if Amended

Second: Vicki Granowitz

11:08 a.m.

10. [SB 667 \(Dodd\) Healing arts: pregnancy and childbirth.](#)

Board Discussion: Dolores Trujillo asked to see the amendments on furnishing language. She asked if this should be in an acute care hospital.

Loretta Melby said for section A that's clearly covered by education and training. She said further stated that section B is still grey. There is some confusion between CNMs and ACOG in fetal monitoring and whether it should be continuous or heightened. With 60-80% success rate, these considerations should be considered.

Dolores Trujillo is concerned about this issue. Loretta Melby suggested specifying a delivery location be done in a hospital setting without a physician.

Dolores Trujillo is willing to make motion to Support if Amended with those two items.

Motion: Dolores Trujillo: Motion to Support if Amended

Second: David Lollar

10-minute break at 11:35 am, meeting reconvened at 11:45 am, quorum re-established at 11:46 am with the exception of Mary Fagan. Quorum established.

- 11. [SB 764 \(Padilla\) Department of Consumer Affairs: regulatory boards: removal of board members.](#)

(Was not discussed)

- 12. [SB 802 \(Roth\) Licensing boards: disqualification from licensure: criminal conviction.](#)

(Was not discussed)

Public Comment for bills presented:

Carmen Comsti, California Nurses Association: Expressed support for AB 633: CNA organizes volunteer nurses to provide services in response to public health emergencies and natural disasters and want to make sure nurses can continue to participate when called. AB 1722: CNA has similar concerns raised by the board today. Look to increase number of school nurses and other solutions to attract RNs into these positions. SB 667: CNA generally agrees with some of the concerns raised.

Holly Kreczkowski: Discussed AB 83, she’s an active-duty Navy RN in California. She made a statement about how far the skill bridge goes. She does not know how many people would take advantage of this bill. She does not know if there is any nurse related skill bridge available.

Vote for bills presented:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	AB	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Indirect Impact

Loretta Melby asked if any board member would like to discuss any of the indirect bills.

Dolores Trujillo has a few bills she would like discussed: AB 747, AB 1001, AB 1156, AB 1690, and SB 636.

Loretta Melby asked if any other board members had bills they wanted to discuss.

Dolores Trujillo requested AB 1057 be added.

Elizabeth Woods asked for AB 977.

12:01 p.m.

1. [AB 747 \(McCarty\) Business: unlawful employee contracts and requirements](#)

Board Discussion: Dolores Trujillo said some nurses are bound to a Non-Disclosure Agreement (NDA) and stay with a hospital for one or two years but if they leave prior to the end of the agreement the nurse must repay costs and alleged debt or suffer a high financial penalty. She did not know this still happened in California and compared this to servitude to the hospital.

Patricia Wynne did not know about this but is now alarmed based on Dolores Trujillo's comments.

Reza Pejuhesh discussed section 1058 talking about an employer shall not require an employee to reimburse, pay, or repay employment costs for any training related to employee responsibilities and duties related to their employment.

Dolores Trujillo said this is an employee driven debt contract that sometimes includes training repayments, agreement provisions or can be called traps that create financial obligation of nurses to their employers for alleged costs of employer mandated training. She's concerned about new grads.

Elizabeth Woods spoke about new grads needing multi-week orientation.

Dolores Trujillo said she was looking at the three-to-six-month training program and a nurse decides this isn't a good fit and wants to leave to pursue something else. The nurse feels beholden to the employer for the cost of the training.

Vicki Granowitz asked about section 3, 16608 about employer presenting a contract to an employee or prospective employee as terms of employment or tech to enforce any covenant, not to compete that is void under this chapter. She asked if this means the employer cannot do a non-competitive agreement.

Marissa Clark said she's not an expert in this but said non-compete agreements haven't been legal in California for quite some time but sometimes they are used but are not enforceable. She thinks this is

trying to penalize those who try to include these in contracts because they're currently not enforceable.

Vicki Granowitz and Marissa Clark discussed the bill language.

Dolores Trujillo said the US Federal Trade Commission is considering regulations to make training debt contracts a de facto non-compete that would make this a nationwide law.

Loretta Melby gave several examples not included in this bill. She also spoke about apprenticeship programs.

Vicki Granowitz asked if this is saying an employer can make a nurse be on the hook to repay.

Dolores Trujillo said employers try to enforce this, but this bill is trying to say an employer cannot do this.

Patricia Wynne asked Dolores Trujillo if she wants the board to take a position on this bill even though it is an indirect impact.

Dolores Trujillo said new grads are watching the meeting.

Motion: Dolores Trujillo: Motion to Support

Second: Vicki Granowitz

2. [AB 765 \(Wood\) Physicians and surgeons.](#)

(Was not discussed)

3. [AB 816 \(Haney\) Minors: consent to medical care.](#)

(Was not discussed)

Mary Fagan returned to the meeting at 12:15pm

4. [AB 977 \(Rodriguez\) Emergency departments: assault and battery.](#)

12:19 p.m.

Board Discussion: Elizabeth Woods asked if there is any language about reimbursement of costs for being treated for assault.

Marissa Clark said she is not aware of any language.

Elizabeth Woods said assaults happen to different people within the hospital and wonders if you must sue.

Mary Fagan wonders why this is only Emergency Departments and no other areas of the hospital.

Dolores Trujillo suggested amending the language and take a Support if Amended position.

Elizabeth Woods thought the language needs to be included for reimbursement for care.

Reza Pejuhesh said this is a Penal Code change dealing with crime and punishment of the perpetrator for assault. He said this further provided a definition.

Dolores Trujillo asked if Elizabeth Woods wanted Support if Amended.

Elizabeth Woods said assaults to health care staff don't just happen in the emergency department. She's not sure what to do with the language.

Dolores Trujillo asked Reza Pejuhesh if the board can do a Support if Amended.

Reza Pejuhesh said this can be done and suggest the author consider expanding the scope, and read the language of the existing law to help provide context for the proposed change.

Motion: **Dolores Trujillo:** Motion Support if Amended, expanding to all healthcare settings

Second: **David Lollar**

12:30 p.m.

5. [AB 1001 \(Haney\) Health facilities: behavioral health emergency services.](#)

Board Discussion: Dolores Trujillo believes behavioral health services are sorely needed.

Mary Fagan agrees with Dolores Trujillo but said it is a huge challenge for hospitals to try to implement this even knowing they desperately want to.

Patricia Wynne thinks there is a real need for this in a perfect world. She wonders what the role of the BRN is in this.

Dolores Trujillo said it could lead to further legislation down the line

Motion: Dolores Trujillo: Motion to Support

Second: Patricia Wynne

*****Lunch break starting at 12:41 pm to return at 1:30 pm**
Meeting reconvened at 1:31 pm – quorum established at 1:32 pm***

1:32 p.m.

6. [AB 1007 \(Ortega\) Occupational safety and health standards: plume](#)

Board Discussion: Dolores Trujillo discussed the use of equipment that generates plume and dangers to nursing staff near them.

Motion: Dolores Trujillo: Motion to Support

Second: Vicki Granowitz

7. [AB 1094 \(Wicks\) Drug and alcohol testing: informed consent.](#)

(Was not discussed)

8. [AB 1029 \(Pellerin\) Advance health care directive form.](#)

(Was not discussed)

12:35 p.m.

9. [AB 1057 \(Weber\) California Home Visiting Program.](#)

Board Discussion: Dolores Trujillo asked if Loretta Melby knows more about this bill.

Loretta Melby said no stakeholders have brought this issue to her attention.

Elizabeth Woods wonders about defining home since many people live in homeless shelters.

Loretta Melby thinks this is business licensing providing services under a healthcare organization and the licensed healthcare organization carries a designation of home health or home-based hospice or similar. This would further define under the business license of the agency outside the acute care or clinic setting.

Motion: Dolores Trujillo: Motion to Support

Second: Jovita Dominguez

1:36 p.m.

10. [AB 1156 \(Bonta\) Workers' compensation: hospital employees.](#)

Board Discussion: Dolores Trujillo is amazed that after coming through a pandemic and serving on the front lines that nurses are not eligible for workman's compensation for possible exposure on the front line. She said EMTs, paramedics, firefighters, police officers are all eligible for workman's comp.

Mary Fagan asked where it shows those workers are eligible.

Marissa Clark said she thinks it's related to the rebuttable presumption, but she will need to do more research on this.

Elizabeth Woods asked if this is hospitals because nurses work in outpatient, home health and hospice, among others.

Marissa Clark read from the bill about hospital employees who provide direct patient care in an acute care setting and injury manifesting during the period of the person's employment which is a little bit narrower around hospital employee.

Motion: Dolores Trujillo: Motion to Support

Second: Vicki Granowitz

11. [AB 1164 \(Lowenthal\) Hospitals: emergency departments: crowding score.](#)

(Was not discussed)

12. [AB 1450 \(Jackson\) Pupil health: universal screenings: adverse childhood experiences and dyslexia.](#)

(Was not discussed)

13. [SB 2 \(Portantino\) Firearms.](#)

(Was not discussed)

1:43 p.m.

14. [SB 636 \(Cortese\) Workers' compensation: utilization review.](#)

Board Discussion: No questions or comments.

Motion: Dolores Trujillo: Motion to Watch

Second: Patricia Wynne

Public Comment for Indirect Impact bills discussed: **Carmen Comsti, CNA:** Expressed support for AB 747 and is a proud sponsor of debt traps for nurses and other direct care workers required to attend training by their employers; AB 1001, AB 1007, AB 1156 supports and sponsored all these bills.

Vote for all Positions taken on Indirect Impact Bills:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	A	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Spot Bills

(No presentation or discussion on spot bills)

1. [AB 689 \(Carrillo\) Community colleges: registered nursing programs.](#)
2. [AB 941 \(Waldron\) Controlled substances: emergency use.](#)
3. [AB 1070 \(Low\) Department of Consumer Affairs: vacancies.](#)
4. [AB 1101 \(Flora\) Department of Consumer Affairs.](#)
5. [AB 1200 \(Rubio\) Nursing schools and programs.](#)
6. [AB 1283 \(Chen\) Pupil health: asthma medication.](#)
7. [AB 1292 \(Flora\) Nursing.](#)
8. [AB 1577 \(Low\) Healing arts: nursing.](#)
9. [AB 1646 \(Nguyen\) Healing arts boards.](#)
10. [AB 1666 \(Flora\) Nursing schools: religious exception.](#)
11. [AB 1690 \(Kalra\) Universal health care coverage](#)
12. [SB 358 \(Nguyen\) Professional licenses: military service.](#)
13. [SB 816 \(Roth\) Interior designers.](#)

1:54 p.m.

6.0

Information Only: Presentation by the BRN's Enforcement Division on discussion of the Board's Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Disciplinary Guidelines)

Board Discussion: Patricia Wynne thanked Shannon Johnson for this presentation. She's been reviewing cases for awhile and this provided some context for her. She asked about the expert pool and recruitment process.

Shannon Johnson said a question was added to the license renewal form. She said staff reaches out to other health care boards seeking possible experts.

Patricia Wynne asked if respondents are eligible to use BRN experts.

Shannon Johnson said opposing counsels try to pick up an expert that has been used in the past by the BRN.

Patricia Wynne asked if opposing counsel could contact the BRN to request to use an expert.

Shannon Johnson said the BRN doesn't provide experts for opposing counsel.

Patricia Wynne asked about moving violations as a basis for action against a license.

Shannon Johnson said it's like an infraction, low level, and not formal discipline.

Elizabeth Woods asked a question about some cases she reviewed in the past few weeks regarding the exam. She asked about nurses who were disciplined in California, able to get a license in another state, but want to come back to California.

Loretta Melby stated, if these are recent cases undergoing board vote then they should not be discussed in an open forum such as this.

Shannon Johnson said she could speak generally.

Loretta Melby asked board members not to discuss cases recently sent for board vote and should be discussed during closed session.

Shannon Johnson said she has seen proposed decisions for reinstatement and the judge orders the nurse to retake the exam as a condition of reinstatement.

Vicki Granowitz said she's reviewed some documentation which is variable and sometimes its difficult to find what the respondent did to get them in trouble.

Shannon Johnson said sometimes there is not a lot of information in the cause for discipline because the accusation could be based off a Business and Professions Code section 820 evaluation and the medical or mental health information cannot be included. She spoke about the recommendation to adopt cover letter to help fill in the gap about the allegations or mitigation and whether it deviates from the Disciplinary Guidelines.

Reza Pejuhesh spoke about proposed decisions from administrative law judges and if a decision is rejected and the board receives the entire administrative record with volumes of transcripts and exhibits that includes all the information. But he thinks it might be related to the stipulated decision where there is limited information.

Vicki Granowitz said she would like to avoid having to take a case to closed session just so she can figure out what a respondent did without having to search around for it.

Reza Pejuhesh suggested this information could be relayed to the AG's Office by Shannon Johnson.

Mary Fagan said the summary on the front of the case is very helpful and if she wants more detail, she can look for it in the materials.

**Public Comment for
Agenda Item 6.0:**

No public comments.

3:06 pm

8.0

Closed Session

8.1

Disciplinary matters

The Board will convene in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

9.0

Adjourn

- Dolores Trujillo, President, adjourned the meeting at 4:09 p.m.

Submitted by:

Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Accepted by:

Dolores Trujillo, RN
President
California Board of Registered Nursing